

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 19, 2004**

Court convened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., O’Leary, J., Aronson, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CRIM            THE PEOPLE  
No.            v.  
G032718      CATHY L. BOROWIEC

Merits. Cause called. Betty A. Haight argues for appellant. Lynne McGinnis, Deputy Attorney General argues for respondent. Cause submitted.

CRIM            THE PEOPLE  
No.            v.  
G033074      CHOUNG V. NGUYEN

Merits. Cause called. Richard L. Schwartzberg argues for appellant. Angela Borzachillo, Deputy Attorney General argues for respondent. Cause submitted.

CRIM            THE PEOPLE  
No.            v.  
G032566      KARIN D. MERTZ

Merits. Cause called. Dabney B. Finch argues for appellant. Maxine Cutler, Deputy Attorney General argues for respondent. Cause submitted.

CRIM            THE PEOPLE  
No.            v.  
G032646      NHUT T. VO

Merits. Cause called. Leslie Conrad argues for appellant. Lynne McGinnis, Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 20, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL            JULITA BUCCAT  
No.                v.  
G032577        ANAHEIM GENERAL HOSPITAL

Merits. Cause called. Robert J. Klein argues for appellant. Efrat M. Cogan argues for respondent. Cause submitted.

CRIM            MARVIN CHAVEZ  
No.                v.  
G033378        ORANGE COUNTY SUPERIOR COURT;  
                     THE PEOPLE

Merits. Cause called. Stephen Gilbert argues for petitioner. Brian Gurwitz, Deputy District Attorney argues for real party in interest. Cause submitted.

CIVIL            JENNIFER L. TURNER  
No.                v.  
G032937        ROBERT E. TURNER

Merits. Cause called. Evan Ginsburg argues for appellant. Mark A. Hewitt argues for respondent. Cause submitted.

CRIM            THE PEOPLE  
No.                v.  
G031837        RONALD I. BRINDLE

Merits. Cause called. Jerry L. Steering argues for appellant. Kelley A. Johnson, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 20, 2004 (Cont'd)**

CIVIL            FRED AGAH  
No.                v.  
G033033        MOSTAFA ALILAKBARZADEH et al.

Merits. Cause called. Clifford W. Roberts argues for appellant. Joseph A. Walker argues for respondents. Cause submitted.

CIVIL            MOHSEN PEJMAN-ZADEH  
No.                v.  
G032680        COUNTY OF ORANGE et al.

Merits. Cause called. Appellant Mohsen Pejman-Zadeh argues on his own behalf. Gary S. Gorczyca argues for respondent Sedighe Pejman-Zadeh. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 20, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Fybel, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL	ROBERT J. GIRARD
No.	v.
G032836	CHON GUTIERREZ, Director of DMV

Merits. Cause called. Ronald A. Jackson made an appearance for appellant. Thomas Scheerer, Deputy Attorney General made an appearance for respondent. Counsel for appellant and respondent submitted on the briefs filed. Cause submitted.

CIVIL	MICHAEL PHAN
No.	v.
G032654	CALIFORNIA EQUITY AND LOAN

Merits. Cause called. Geniene B. Stillwell argues for appellant. Francis T. Sakamaki argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 20, 2004 (Cont'd)**

CRIM            THE PEOPLE  
No.             v.  
G031508       SENG CHING TRUONG and  
                 ROBERT VASAK

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellants are invited to file supplemental briefs no later than August 16, 2004, limited to the effect, if any, of *Blakely v. Washington* (2004) \_\_ U.S. \_\_, 124 S.Ct. 2531, on this appeal. Respondent may file a supplemental brief no later than September 7, 2004. Appellants may file supplemental reply briefs no later than September 17, 2004. The cause will be resubmitted thereafter.

Rylaarsdam, Acting P.

We concur:   Fybel, J.  
                     Ikola, J.

CIVIL           LESLEY SNOOK  
No.             v.  
G031736       JOHN SNOOK

Not for publication

Opinion filed. Judgment affirmed in part, reversed in part, and remanded with directions.

O'Leary, J.

We concur:   Rylaarsdam, Acting P.J.  
                     Fybel, J.

CRIM           THE PEOPLE  
No.             v.  
G032080       BETSY ANNE STANSELL

Not for publication

Opinion filed. Judgment affirmed.

Fybel, J.

We concur:   Moore, Acting P.J.  
                     Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 20, 2004 (Cont'd)**

CIVIL	RAYMOND MILEY	Not for publication
No.	v.	
G032106	JUAN RICARDO LOPEZ	

Opinion filed. Judgment reversed and remanded.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.  
O'Leary, J.

CRIM	THE PEOPLE
No.	v.
G032153	MARK TRACHMAN

Order filed. Pursuant to rule (23)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellant is invited to file a supplemental brief no later than August 16, 2004, limited to the effect, if any, of *Blakely v. Washington* (2004) \_\_U.S.\_\_, 124 S.Ct. 2531, on this appeal. Respondent may file a supplemental brief no later than September 7, 2004. Appellant may file a supplemental reply brief no later than September 17, 2004. The cause will be resubmitted thereafter for the term permitted by law.

Sills, P.J.

CRIM	THE PEOPLE
No.	v.
G032390	PETER WILLIAM KRAMER

Order filed. The petition for rehearing is granted. Appellant is invited to file a supplemental brief no later than August 16, 2004, limited to the effect, if any, of *Blakely v. Washington* (2004) \_\_U.S.\_\_, 124 S.Ct. 2531, on this appeal. Respondent may file a supplemental brief no later than September 7, 2004. Appellant may file a supplemental reply brief no later than September 17, 2004.

Rylaarsdam, J.

We concur: Sills, P.J.  
Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 20, 2004 (Cont'd)**

CRIM            THE PEOPLE  
No.             v.  
G032665       JOSE VALENTIN BELLO

Order filed. The petition for rehearing is granted. Appellant is invited to file a supplemental brief no later than August 16, 2004, limited to the effect, if any, of *Blakely v. Washington* (2004) \_\_ U.S. \_\_, 124 S.Ct. 2531, on this appeal. Respondent may file a supplemental brief no later than September 7, 2004. Appellant may file a supplemental reply brief no later than September 17, 2004.  
Rylaarsdam, Acting P.J.

We concur:    Fybel, J.  
                     Ikola, J.

CIVIL           LESLEY SNOOK                                Not for publication  
No.             v.  
G032687       JOHN SNOOK

Opinion filed. Order affirmed.  
O’Leary, J.  
We concur:    Rylaarsdam, Acting P.J.  
                     Fybel, J.

CRIM           THE PEOPLE                                Not for publication  
No.             v.  
G032703       GUSTAVO, L.

Opinion filed. Order affirmed.  
Moore, J.  
We concur:    Sills, P.J.  
                     Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 20, 2004 (Cont'd)**

CIVIL	STEVEN C. LOEHR	Not for publication
No.	v.	
G032751	COUNTY OF ORANGE	

Order filed. Appellant has filed a letter which this court treats as a petition for rehearing. Good cause having been shown, the petition for rehearing is granted. No further briefing will be entertained by the court. The clerk of this court is directed to place this matter on the September 2004 oral argument calendar. Notice of new date and time will be given.

Bedsworth, Acting P.J.

We concur: Moore, J.  
Ikola, J.

CIVIL	ORANGE COUNTY SOCIAL	Not for publication
No.	SERVICES AGENCY	
G033165	v.	
	G.V.	

Opinion filed. Order affirmed.

Aronson, J.

We concur: Bedsworth, Acting P.J.  
Ikola, J.

CIVIL	NATIONAL CREDIT CONTROL	
No.	AGENCY, INC.	
G033236	v.	
	JEROLD H. RUBINSTEIN	

Opinion filed. Judgment reversed and remanded.

Aronson, J.

We concur: O'Leary, Acting P.J.  
Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 21, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Moore, J. M. Urena, Deputy Clerk attending.

CIVIL            RAYMOND PONCE  
No.                v.  
G032954        SHEILA PONCE

Merits. Cause called. Jeffrey W. Doeringer argues for appellant. Richard A. Derevan argues for respondent. Respondent to file a supplemental brief by July 28, 2004. Appellant to file a supplemental brief by August 7, 2004. Cause to be submitted on August 7, 2004.

CIVIL            PHILIP A. LEVY  
No.                v.  
G032859        TROY SUGG

Merits. Cause called. Richard A. Derevan argues for appellant. Robert H. Marcereau argues for respondent. Cause submitted.

CIVIL            JULIE MARTIN  
No.                v.  
G032694        ROBERT E. MARTIN

Merits. Cause called. Fred H. Middaugh argues for appellant. Terrence W. Roberts argues for respondent. Cause submitted.

CIVIL            JENNIFER GAINES et al.  
No.                v.  
G032198        COUNTY OF ORANGE et al.

Merits. Cause called. Jeffrey Wilens argues for appellants. S. Frank Harrell argues for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 21, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., and Aronson, J. M. Urena, Deputy Clerk attending.

CIVIL            ORANGE COUNTY SOCIAL  
No.               SERVICES AGENCY  
G033724        v.  
                    GERALD S.

Merits. Cause called. Richard Pfeiffer argues for appellant. Beth L. Lewis, Deputy County Counsel argues for respondent. Cause submitted.

CIVIL            SEANA R.  
No.               v.  
G033949        ORANGE COUNTY SUPERIOR COURT;  
                    ORANGE COUNTY SOCIAL SERVICES  
                    AGENCY

Merits. Cause called. Paul DeQuattro, Deputy Public Defender argues for petitioner. Beth L. Lewis, Deputy County Counsel argues for real party in interest. Craig E. Arthur argues for the minor. Cause submitted.

CIVIL            THE PEOPLE  
No.               v.  
G033328        LEXINGTON NATIONAL INSURANCE  
                    COMPANY et al.

Merits. Cause called. Benjamin P. Wasserman argues for appellants. Leon J. Page, Deputy County Counsel argues for respondent. Cause submitted.

CIVIL            PARK ACCESSS RESTORATION COMMITTEE et al.  
No.               v.  
G032733        CITY OF LAGUNA NIGUEL et al.

Merits. Cause called. Edward Lazarus argues for appellants. Anthony J. Stanley argues for respondent St. Anne School. Marvin I. Bartel argues for respondent City of Laguna Niguel. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 21, 2004 (Cont'd)**

CIVIL            ROBERT M. GUNN  
No.               v.  
G032304        MARINERS CHURCH, INC. et al.

Merits. Cause called. James Toledano argues for appellant. Robert L. Toolen argues for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 21, 2004 (Cont'd)**

CRIM            THE PEOPLE  
No.            v.  
G023903      DESTINNI MARDESICH

Order filed. The petition for rehearing is denied.

Sills, P.J.

We concur: Rylaarsdam, J.  
Ikola, J.

CRIM            THE PEOPLE  
No.            v.  
G030494      MICHAEL WOODS

Certified for publication

Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur: Aronson, J.  
Fybel, J.

CIVIL            CARLOS MAGGI et al.  
No.            v.  
G030802      THE SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE;  
DAVID ALKOSSER, et al.

Order filed. The petition for rehearing is denied.

Moore, J.

We concur: Sills, P.J.  
Rylaarsdam, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 21, 2004 (Cont'd)**

CIVIL           FRIEDMAN PROFESSIONAL  
No.           MANAGEMENT CO., INC.  
G030808       v.  
              NORCAL MUTUAL INSURANCE  
              COMPANY

Order filed. The petition for rehearing is denied.

Sills, P.J.

We concur:   Moore, J.  
              Aronson, J.

CIVIL           JOY STEPHENSON  
No.           v.  
G031997       REBECCA M. OPPEN et al.

Order filed. The petition for rehearing is denied.

Fybel, J.

We concur:   Bedsworth, Acting P.J.  
              Moore, J.

CIVIL           SELIM ANTER et al.  
No.           v.  
G031546       JOE M. BATI et al.

Not for publication

Order denying rehearing and modifying opinion; no change in judgment.

Sills, P.J.

We concur:   Rylaarsdam, J.  
              Bedsworth, J.

CIVIL           DAVID B. COULTER  
No.           v.  
G031871       JUNUM, INC.

Not for publication

Opinion filed. Judgment reversed.

Sills, P.J.

We concur:   Aronson, J.  
              Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 21, 2004 (Cont'd)**

CIVIL No. G032094	LINDA DEWAR STRATTAN v. DANE PAUL CARDONE	Not for publication
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ROBERT C. LaMARSH  
v.  
DANE PAUL CARDONE

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Moore, Acting P.J.  
Ikola, J.

CRIM No. G032403	THE PEOPLE v. GILBERT LOUIS MORALES	Not for publication
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Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Moore, Acting P.J.  
Ikola, J.

CRIM No. G032971	THE PEOPLE v. ROBERT JOHN MITCHELL
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Order filed. Appellant having filed a request for dismissal in this court, the appeal is dismissed. The remittitur shall issue forthwith.

Sills, P.J.

CRIM No. G032972	THE PEOPLE v. ROBERT JOHN MITCHELL
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Order filed. Appellant having filed a request for dismissal in this court, the appeal is dismissed. The remittitur shall issue forthwith.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 21, 2004 (Cont'd)**

CIVIL  
No.  
G033646

BROOKFIELD HOMES SOUTHLAND  
INC.  
v.  
CALIFORNIA INSURANCE GUARANTEE  
ASSOCIATION

Order filed. Upon written stipulation filed by the parties to the appeal, the appeal is dismissed. Each party shall bear their own costs on appeal. The clerk of this court is directed to issue the remittitur forthwith.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 22, 2004**

CRIM No. G030390	THE PEOPLE v. JAMES MORFIN AND MANUEL CARDENAS AMEZOLA	Not for publication
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Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.  
O’Leary, J.

CIVIL No. G031647	BRANDON HUTTON v. MERCURY CASUALTY COMPANY
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Order filed. The petition for rehearing is denied.

Ikola, J.

We concur: Bedsworth, Acting P.J.  
Aronson, J.

CIVIL No. G030745	PACIFIC ENVIROMENTAL LANDSCAPE, INC. v. ALISTAR INSURANCE COMPANY
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Order filed. On June 23, 2004, the parties were advised that the court intended to dismiss the appeal on its motion for lack of jurisdiction. The parties were given until July 21, 2004, to file any objection. No objection having been received, the appeal is dismissed on the court’s own motion for lack of jurisdiction.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 22, 2004 (Cont'd)**

CIVIL           MICHAEL J.  
No.             v.  
G033218       THE SUPERIOR COURT OF ORANGE  
                COUNTY;  
                LINDA ROGERS

Order filed. The petition for rehearing is granted. If petitioner desires to respond to the issue raised in the petition for rehearing, he may do so by a letter brief filed no later than August 16, 2004.

Rylaarsdam, Acting P.J.

We concur:   Moore, J.  
                 Ikola, J.

CIVIL           JOSEFINA SOTO  
No.             v.  
G033224       TERESITA M. ORTAL

Order filed. Appellant having filed an abandonment of appeal in this court, the appeal is dismissed. The clerk of this court is directed to issue the remittitur forthwith.

Sills, P.J.

CIVIL           ORANGE COUNTY SOCIAL  
No.             SERVICES AGENCY  
G033516       v.  
                FLORENTINA S.

Order filed. The petition for rehearing is denied.

Sills, P.J.

We concur:   O'Leary, J.  
                 Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 23, 2004**

CRIM            THE PEOPLE  
No.             v.  
G031437       JUAN MANUEL MORENO

Order filed. The California Supreme Court has ordered that we vacate our decision and reconsider the validity of the enhancement imposed in this case under Penal Code section 667, subdivision (a)(1). Accordingly, the opinion filed April 22, 2004, is vacated. Pursuant to California Rules of Court, rule 13(b)(2), the parties are directed to submit supplemental letter briefs. Appellant shall have until August 13, 2004, to file a supplemental brief. Respondent shall file its supplemental brief within 20 days after filing of Appellant's supplemental brief.

Rylaarsdam, Acting P.J.

CRIM            THE PEOPLE  
No.             v.  
G031552       JOE WILLIAM

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G032460       In re JOE WILLIAM  
                 on  
                 Habeas Corpus

Order filed. On the court's own motion and for good cause, case number G031552 and G032460 are ordered severed.

Bedsworth. Acting P.J.

CRIM            THE PEOPLE  
No.             v.  
G032098       RAMIRO MELCHOR SERVIN

Not for publication

Opinion filed. Judgment reversed.

Moore, J.

We concur: O'Leary, Acting P.J.  
                 Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 23, 2004 (Cont'd)**

CRIM No. G032423 G032424 G032425	THE PEOPLE v. ROBERT EARL BURGESS  Opinion filed. Judgment affirmed.  We concur: Bedsworth, J. Fybel, J.	Not for publication      Rylaarsdam, Acting P.J.
CIVIL No. G032426	RONALD J. RICHARD v. KENNETH KNOBLOCK  Opinion filed. Appeal dismissed.  Before Sills, P.J., Moore, J., and Fybel, J.	Not for publication   By the Court
CRIM No. G032453	THE PEOPLE v. COLLIS CARL BRAZIL  Opinion filed. Judgment affirmed as modified.  We concur: Rylaarsdam, J. Moore, J.	Not for publication   Sills, P.J.
CRIM No. G032656	THE PEOPLE v. FERNANDO MANUEL MARTINEZ  Opinion Filed. Judgment affirmed.  We concur: Sills, P.J. Ikola, J.	Not for publication   Bedsworth, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
July 23, 2004 (Cont'd)**

CIVIL	JULIE MARTIN	Not for publication
No.	v.	
G032694	ROBERT E. MARTIN	

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.  
Bedsworth, J.

CIVIL	WISEPLACE
No.	v.
G034141	SOPHIA CHARMAINE

Order filed. Appellant having failed to pay the statutory filing fee in compliance with rule 1(b)(1) of the California Rules of Court, after notice given pursuant to rule 1(c)(5), the appeal filed on June 30, 2004, is dismissed.

Sills, P.J.